S.B. CIVIL WRIT PETITION NO.2706/2005

Shivratan Vs. State of Raj. and others.

Date : 19.5.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. JS Rathore, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 21.4.2005 by which the trial court granted mandatory injunction to the effect only that the petitioner/defendant shall allow the respondent/plaintiff to join the water outlet of the plaintiff's house and will not obstruct the said water outlet. The appellate court by order dated 21.4.2005 upheld the said order.

According to learned counsel for the petitioner, if the said outlet will be allowed, then it will cause nuisance for the petitioner, then there will be more dirty water flow.

Having considered the reasons given in the impugned orders, I do not find any illegality in the impugned orders passed by the courts below so as to call for interference by this Court under writ jurisdiction in such type of matters.

In view of the above, I do not find any merit in this writ petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya